

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION AND HTC AMERICA, INC.,
Petitioner,

v.

KONINKLIJKE PHILIPS N.V.,
Patent Owner.

Case IPR2017-00857
Reissued Patent RE44,006 E

Before KRISTEN L. DROESCH, BARBARA A. PARVIS, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

ORDER
Oral Argument
37 C.F.R. § 42.70

We instituted an *inter partes* review on September 6, 2017. Paper 7. Petitioner and Patent Owner requested oral argument pursuant to 37 C.F.R. § 42.70. Papers 20, 22. The requests are GRANTED. Specifically, the hearing will commence at **9:00 AM ET, on June 1, 2018**, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

Each party will have thirty (30) minutes total time to present arguments for the case. Petitioner will proceed first to present its case with respect to the challenged claims and grounds for which the Board instituted trial. Thereafter, Patent Owner will respond to Petitioner's presentation. Petitioner may reserve rebuttal time to respond to Patent Owner's presentation.

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. The hearing will be open to the public for in-person attendance, accommodated on a first-come-first-served basis.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven (7) business days before the hearing. The parties also shall provide the demonstrative exhibits to the Board no later than two (2) business days before the hearing by emailing a copy of the demonstrative exhibits to Trials@uspto.gov. We waive the requirement under 37 C.F.R. § 42.70(b) that demonstrative exhibits be filed no later than the time of oral argument. The parties shall not file any demonstrative exhibits in this proceeding without prior authorization from the Board. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB January 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits. If such objections cannot be resolved, the parties may file any objections to demonstratives with the Board at least two (2) business days before the hearing. The objections

should identify with particularity which portions of the demonstrative exhibits are subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The parties are reminded that during oral hearing the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript.

The Board expects lead counsel for each party to be present in person at the oral hearing. However, lead or backup counsel may present the party's argument. If a party anticipates that its lead counsel will not attend the oral argument, the parties should initiate a joint telephone conference with the Board no later than two (2) business days prior to the oral hearing to discuss the matter.

Any special requests for audio visual equipment should be directed to Trials@uspto.gov no later than two (2) business days prior to the oral hearing.

Accordingly, it is:

ORDERED that oral hearing, conducted pursuant to the procedures outlined above, shall commence at 9:00 AM ET on June 1, 2018.

IPR2017-00857
Reissued Patent RE44,006 E

PETITIONER:

Bing Ai
John Schnurer
Kevin J. Patariu
PERKINS COIE LLP
ai-ptab@perkinscoie.com
jschnurer@perkinscoie.com
kpatariu@perkinscoie.com

PATENT OWNER:

Justin J. Oliver
Daniel S. Glueck
FITZPATRICK, CELLA, HARPER & SCINTO
PhilipsIPR@fchs.com
dglueck@fchs.com